

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

# MICHAEL JACKSON

**Plaintiff,**

**V.**

**MOVIE GALLERY US, LLC**

**Defendant.**

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**) Civil Action No.: 1:06CV0001-MHT**

## **DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, Defendant Movie Gallery, US, LLC (“Movie Gallery”), moves for summary judgment as to each of the plaintiff’s claims against it on the grounds that there is no genuine issue of material fact, and that Movie Gallery is entitled to judgment as a matter of law.

In support of this motion, Movie Gallery relies on the following:

1. The pleadings in this case.
2. The deposition testimony of the plaintiff;
3. The affidavits of Leigh Ann Thornton, Heath Croom, Charles Collins, Amy Vinson and Phillip Kitchens.
4. A brief in support of Movie Gallery's position, filed contemporaneously with this motion.

As the foregoing matters affirmatively and without dispute demonstrate, Movie Gallery is entitled to summary judgment as a matter of law.

s/E. Barry Johnson

Attorney for Defendant  
Movie Gallery US, LLC

**OF COUNSEL:**

Movie Gallery US LLC  
900 W. Main Street  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

s/E. Barry Johnson  
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OF COUNSEL